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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,837	08/03/2001	Ruediger Butterbach	H 3691PCT/US	7485

423 7590 10/07/2002

HENKEL CORPORATION
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EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

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DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807837

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 9-27 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 9-27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Applicants' Preliminary Amendment, filed 03 August 2001, has been received and made of record.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18, 22-24 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Guan et al. in view of Kauffman et al. and Nuttens et al.

Guan et al. disclose that it is known to form a DVD via a process wherein two disc-shaped plastic substrates (or halves) are adhesively bonded together utilizing an (e.g. hot melt) adhesive interposed therebetween. The DVD may also be provided with information and (metallic) reflective layers therein. (Figs. 1-2, 4 and 7, Abstract, column 1 lines 26-28, column 2 lines 38-44, column 3 lines 43-49, 54-57 and 66-67, column 4 lines 26-29, column 7 lines 7-16 and N.B. lines 14-16).

Kauffman et al. disclose a hot melt adhesive composition (for bonding plastic substrates to like or different material substrates) composed of a thermoplastic (e.g. S-B-S

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block copolymer) elastomer, a hydrocarbon (e.g. styrene, vinyl toluene, pentadiene etc.) resin, a (pure monomer derived) polyolefin resin and an e.g. wax (e.g. low M.W. polyethylene) diluent, along with other optional additives e.g. stabilizers etc. (Abstract, column 1 lines 9-15, column 2 line 10 thru column 3 line 15, column 3 lines 27-28).

Nuttens et al. disclose that carbonyl (group) containing polyethylene waxes are known to be employed as a superior or improved wax component in hot melt adhesive compositions. (Abstract, column 1 lines 14-19, N.B. column 2 lines 28-30 and also lines 67-68, column 3 lines 1-3 and 54-68, column 4 lines 1-13). It would have been obvious to one of ordinary skill in this art to employ the (a) adhesive composition of Kauffman et al. in the bonding process of Guan et al. in place of the corresponding, analogous adhesive material employed therein, mere substitution of one known hot melt adhesive (for plastic and other substrate materials) for another being involved, the primary patentees apparently not limiting themselves to the hot melt adhesive they may employ; and (b) superior and improved functionalized (i.e. CO group containing) polyethylene wax of Nuttens et al. (whose teaching is seen to be consistent with applicants' specification at page 8 lines 2-7) for its documented, beneficial function and result (viz. improved compatibility) in the hot melt adhesive composition of Kauffman

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et al. (who also provides for the use and presence of an (unmodified) polyethylene wax component) for use in the bonding process of Guan et al.

4. Claims 19-21 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Guan et al. in view of Kauffman et al., Nuttens et al. and the PCT document to Butterbach et al. (a different) al. (cited and supplied by applicants, and having an effective date of 17 September 1998).

Butterbach et al. disclose similar to Guan et al., and further that it is known to provide DVD's with both a protective anti-corrosion layer and a printed (e.g. graphics) layer (page 1 line 25 thru page 2 line 15 of the translation of this reference also provided), such that it would have been obvious to one of ordinary skill in this art to incorporate such known additional layers in/into the DVD's of Guan et al. (as further modified by the remaining secondary references.)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be

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reached on (703) 308-2058. The fax phone number for this Group
is (703) ~~305-3599~~ ⁸⁷²⁻⁹³¹⁰.

Any inquiry of a general nature or relating to the
status of this application or proceeding should be directed to
the Group receptionist whose telephone number is (703)
308-0661/0662.


JJGallagher:cdc

September 20, 2002



JOHN J. GALLAGHER
PRIMARY EXAMINER
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